

TOWN OF LAMOINE

Minutes of Planning Board Meeting

**September 17, 2013
Lamoine Town Hall**

Planning Board Members

Present: Holt, Gallagher, Donaldson, Tadema-Wielandt, Fowler (alt),
Bamman (7:25),
Code Enforcement Officer

Present: M. Jordan

Members of the Public: C. Korty, S. Salisbury

Members of the Press:

1. Chair Holt called the meeting to order at 7:00 p.m.

2. Consideration of Minutes

Jordan noted that the Gravel Permit application fee has been paid by Mr. Goodwin. Holt (Gallagher) moved to accept the minutes of the [September 3, 2013](#) meeting as corrected. Approved 5-0 (Fowler voting)

3. [Code Enforcement Officer's](#) Report

No written report. Jordan reported that nine new houses have been built or are in the process of being built this year.

4. [Conservation Commission](#)

C. Korty passed along to the Board a compact disc containing maps and data collected by a class at COA a few years back.

5. Old Business

a. Meeting requested by P. MacQuinn and S. Salisbury concerning gravel permit application to expand operations Map 3 Lots 31 & 33. Mssrs. MacQuinn and Salisbury are not prepared to meet at this point.

b. Revision of [Lamoine Gravel Ordinance](#)

i. Section 7(G) Appeals.

The draft developed from the September 3 meeting was reviewed. Holt (Gallagher) moved to recommend this revision to the Board of Selectmen to be presented to the Town for adoption. Approved 5-0. (Fowler voting) [See amendment language, pages 5.]

ii. Section 8 A (1) Set-backs. .

The draft developed from the September 3 meeting was reviewed. Gallagher (Donaldson) moved to recommend this revision to the Board of Selectmen to be presented to the Town for adoption.

Approved 5-0. (Fowler voting)) [See amendment language, pages 6-7.]

iii. Section 8 D (3) Performance Guarantee.

The draft developed from the September 3 meeting (dated 9/4/13) was reviewed. Holt presented an alternative revision (dated 9/17/13). Discussion ensued regarding the relative merits of the two approaches, concluding with a consensus of the Board to pursue the 9/17/13 draft as follows:

1. consult with the Town Attorney regarding the legality of collecting the \$.05/yard restoration deposit annually and to clarify how the Town would authorize payments from the Restoration Accounts;
2. consult with the Town Administrative Assistant to ascertain his thoughts on the draft, including accounting and pay-out procedures. Specifically:
 - a. would it be possible to pay the operator within 2-3 weeks following the completion of the work (ie. to avoid the operator's having to advance the funds for the work prior to being paid back)
 - b. would these funds be held in an interest-bearing account and if so, to whom would the interest accrue?
3. revise the wording to address the case where an operator has "saved up" more than the actual cost of restoration.

Holt will forward the draft and these questions/issues to S. Marckoon and the Town Attorney.

c. Revisions to the [Building and Land Use Ordinance](#) (Stu and Mike's recommendations regarding MUBEC)

Donaldson and Holt brought comments on the suggested revision. It was agreed that they would forward these to the Planning Board and Town Office. Board members will review them and the document and come October 1 prepared to address this matter.

d. Completeness Reviews of Gravel Permit applications (continued from September 3, 2013)

Each of the following applications was reviewed by the Planning Board for "completeness". All applications were deemed incomplete.

Note: See attached table summarizing the requirements the Board found "not present" in the nine applications reviewed. Additional detail can be found on the "completeness review forms" filled out during the meeting.

i. John W. Goodwin, Jr. "Davis Pit" Map 4 Lot 41; Map 5 Lot 15 (13.7 acres) Seven (7) requirements missing. (See table)

Gallagher (Tadema-Wielandt) moved to find the application incomplete.

Approved 5-0. (Bamman now voting)

ii. R.F. Jordan “McDevitt Pit” Map 3 Lot 4 (5 acres)
Nine (9) requirements missing. (See table)
Gallagher (Bamman) moved to find the application incomplete. Approved 5-0.

iii. Harold MacQuinn, Inc. “Higgins” Pits Map 9-13; Map 20-12.
Map 9 Lot 13 (8 acres) Nine (9) requirements missing. (See table)
Bamman (Gallagher) moved to find the application incomplete. Approved 5-0.
Map 20 Lot 12 (10 acres)) Nine (9) requirements missing. (See table)
Bamman (Gallagher) moved to find the application incomplete. Approved 5-0.

iv. Harold MacQuinn, Inc. “Kittredge” Pit Map 3 Lots 31 & 33. (22 acres)
Eight (8) requirements missing. (See table)
Gallagher (Bamman) moved to find the application incomplete. Approved 5-0.

v. Harold MacQuinn, Inc. “Jones” and “Beals” Pits
Map 7 Lot 7 (Jones; 3 acres) Eight (8) requirements missing. (See table)
Gallagher (Bamman) moved to find the application incomplete. Approved 5-0.
Map 7 Lot 9 (Beals; 3.8 acres) Eight (8) requirements missing. (See table)
Gallagher (Bamman) moved to find the application incomplete. Approved 5-0.

vi. Harold MacQuinn, Inc. “Asher” Pit Map 3 Lots 42 and 43-1 (5 acres)
Eight (8) requirements missing. (See table)
Gallagher (Bamman) moved to find the application incomplete. Approved 5-0.

Holt stated that the Board would schedule site walks to these pits once it has found each application complete.

In discussion about next steps, Salsbury said that he will provide the missing information as an addendum to the applications. Several Board members expressed the importance of doing so immediately as these permits will expire October 31, 2013. The Board has scheduled extra meetings in September and October to address the expected workload.

6. New Business: None

7. Other Public Matters: None

8. Ordinance Matters

Jordan suggested that the Board add to the requirements for Gravel Permit applications (Section 7 1-h) that the applicant provide evidence of payment of personal property taxes related to gravel extraction operations, in addition to evidence of real property taxes.

9. Next Meetings:

October 1, 2013

October 15, 2013

November 12, 2013

10. Adjourned at 9:50 p.m.

Respectfully Submitted,

Gordon Donaldson, Secretary

SEE ATTACHED Gravel Ordinance Amendments and TABLE of Results of Gravel Application Completeness Reviews

Amendments to Lamoine Gravel Ordinance recommended by unanimous vote of the Lamoine Planning Board, September 17, 2013

Amendment to Section 7

SECTION 7 ADMINISTRATION

G. Appeals

Delete present wording:

The decision of the Planning Board may be appealed to the Lamoine Board of Appeals. The appeal shall be in writing and submitted within thirty (30) days of the decision of the Planning Board, and shall be accompanied by the required fee as established by the Lamoine Board of Selectmen.

Replace with:

1. Any decision of the Planning Board may be appealed by any party of standing to the Lamoine Board of Appeals. The appeal shall be in writing and submitted within thirty (30) days of the date of the written decision of the Planning Board and shall be accompanied by the required fee as established by the Lamoine Board of Selectmen.
2. A hearing shall be conducted by the Board of Appeals which may only consider matters of administrative procedure and/or interpretation of the provisions of an Ordinance.
 - a. When errors of administrative procedure are found by the Board of Appeals, the case shall be referred back to the Planning Board for rectification.
 - b. When errors of interpretation of provisions of an Ordinance are found, the Board of Appeals may modify the interpretation or reverse the order of the Planning Board, but may not alter any conditions attached by the Planning Board. All changes in conditions shall be made by the Planning Board in accordance with the Board of Appeal's interpretation.
3. Appeals involving conditions imposed by the Planning Board, or appeals of a decision to deny or approve, shall be made to Superior Court when such appeals do not involve administrative procedure and/or interpretation.

Amendment to Section 8

SECTION 8. PERFORMANCE STANDARDS

All Gravel Operations shall conform to the following standards:

A. Set-backs

The purpose of set-backs is to lessen adverse impacts such as noise, erosion, despoiling of views, and deterioration of water quality on neighboring properties and residents. Except as provided for in A.1.a.& A.1.b. below, A.1-5 shall apply to all Gravel Operations permitted under this Ordinance.

1. A buffer strip of not less than 100 feet in width shall be maintained between the boundary of the Gravel Pit and the boundary of the Parcel on which the Pit is located.

Delete this paragraph:

For a period of three (3) years from effective date of this Ordinance, the 100-foot buffer strip between the boundary of the Gravel Pit and an abutting parcel boundary may be reduced to not less than fifty (50) feet with written permission of the current abutting property owner. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel. After said three (3) year period, reduction of the 100-foot set-back by an abutting parcel owner shall not be permitted.

- a. The buffer strip between permitted Gravel Pits on abutting Parcels may be eliminated with the written permission of both owners provided the elimination of the buffer strip does not increase the runoff from either excavation across the property boundary.

Add new section b as follows:

- b. *Excavation in the 100-foot buffer strip may take place not less than fifty (50) feet from the Parcel boundary when conditions stated in A.2., A.3., and A.4., are met and if the following conditions are met:*

- (1) the Parcel or part thereof on which the Gravel Pit is located had been granted a Site Plan Review Permit for a Gravel Pit;*
- (2) the owner of the abutting property grants written permission for the excavation to occur. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel;*
- (3) excavation within the buffer strip may not exceed the 2.5-1.0 slope as required and described in Section 8.D.1.a (Restoration);*
- (4) the area within the buffer strip anticipated to be excavated during the life of the Permit must be specified in the application and will be considered as part of the Pit; and*
- (5) reclamation of the area designated in (4) above must be completed prior to the expiration of the Permit.*

2. A buffer strip of not less than 150 feet in width shall be maintained between the boundary of the Pit and an existing private drinking water supply. A buffer strip of at least 1,000 feet shall be maintained between the boundary of the Pit and any public water supply.
3. A buffer strip of not less than 100 feet in width shall be maintained between the boundary of the Pit and the nearest edge of any public road, public right-of-way

or the nearest edge of any private road serving as the principal road in a subdivision.

4. A buffer strip of not less than 250 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of any great pond, river or saltwater body, and the upland edge of a coastal or freshwater wetland; a buffer strip of not less than 75 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of a stream. (See Shoreland Zoning Ordinance for these and other restrictions which may apply.)
5. The Planning Board shall have the authority to require wider buffer areas if it determines that the above set-back distances are insufficient to achieve the purposes of protecting private and public water supplies, screening gravel operations from public view, and protecting water bodies, tributary streams or wetlands as noted in A.2., A.3., and A.4. above.

Lamoine Planning Board Minutes of September 17, 2012

FINDINGS OF COMPLETENESS REVIEWS OF GRAVEL PERMIT APPLICATIONS: **MISSING INFORMATION (X)**

Application Requirement #	Goodwin "East Lamoine" (M1-L75)	Goodwin "Davis" (M4-L41; M5-L15)	Jordan "McDevitt" (M3-L4)	MacQuinn "Higgins" (M9-L13)	MacQuinn "Higgins" (M20-L12)	MacQuinn "Kittredge" (M3-L 31&33)	MacQuinn "Jones" (M7-L7)	MacQuinn "Beals" (M7-L9)	MacQuinn "Asher" (M3-L42 & 43-1)
1 h tax									X
2 a (1) distances	X		X				X	X	
2 a (3) sea level		X					X	X	
2 a (4) roads		X							X
2 a (5) water flow			X				X	X	
2 a (8) spec. features	X		X	X	X	X	X	X	X
2 b water table	X	X	X	X	X	X	X	X	X
2 c water quality	X	X	X	X	X	X	X	X	X
3 b distance			X	X	X	X	X	X	
4 b restoration				X	X				
4 g buildings									X
4 j observ. Wells		X		X	X	X			
6 screening plan			X						
7 monitoring plan			X			X			X
12 restoration plan		X	X	X	X	X	X	X	X
13 other permits		X		X	X	X			